

SENATE BILL 29 (LRB -0646)

An Act to repeal 346.80 (2) (c); to amend 346.95 (1); and to create 346.94 (20) of the statutes; relating to: passing parked motor vehicles and opening motor vehicle doors on highways and providing a penalty.

2009

02-03.	S.	Introduced by Senators Risser, Miller, Hansen and Lehman ; cosponsored by Representatives Black, Sherman, Mason, Berceau, Pope-Roberts, Ballweg, Pocan, Zepnick and A. Williams .	
02-03.	S.	Read first time and referred to committee on Transportation, Tourism, Forestry, and Natural Resources	48
02-26.	S.	Public hearing held.	
03-19.	S.	Executive action taken.	
03-19.	S.	Report introduction of Senate Amendment 1 recommended by committee on Transportation, Tourism, Forestry, and Natural Resources, Ayes 7, Noes 0 (LRB a0141)	104
03-19.	S.	Report passage recommended by committee on Transportation, Tourism, Forestry, and Natural Resources, Ayes 4, Noes 3	104
03-19.	S.	Available for scheduling.	
04-09.	S.	Senate amendment 2 offered by Senator Risser (LRB a0187)	125
04-23.	S.	Placed on calendar 4-28-2009 by committee on Senate Organization	140
04-28.	S.	Read a second time	146
04-28.	S.	Senate amendment 2 adopted	146
04-28.	S.	Senate amendment 3 offered by Senator Kedzie (LRB a0251)	146
04-28.	S.	Senate amendment 3 adopted	146
04-28.	S.	Ordered to a third reading	146
04-28.	S.	Rules suspended	146
04-28.	S.	Read a third time and passed	146
04-28.	S.	Ordered immediately messaged	146
04-28.	A.	Received from Senate	152
04-28.	A.	Read	152
04-28.	A.	Rules suspended and taken up	152
04-28.	A.	Read a second time	152
04-28.	A.	Ordered to a third reading	152
04-28.	A.	Rules suspended	152
04-28.	A.	Read a third time and concurred in	152
04-28.	A.	Ordered immediately messaged	152
04-29.	S.	Received from Assembly concurred in.	

gmb

2009

ENROLLED BILL

09en S B-29

ADOPTED DOCUMENTS:

☒ Orig ☐ Engr SubAmdt

09 -0646/1

Amendments to above (if none, write "NONE"): SA2 - a0187/1

SA3 - a0251/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

4-29-09

Date

[Signature]

Enrolling Drafter



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0646/1
EVM:bjk:md

2009 SENATE BILL 29

February 3, 2009 - Introduced by Senators RISSER, MILLER, HANSEN and LEHMAN, cosponsored by Representatives BLACK, SHERMAN, MASON, BERCEAU, POPE-ROBERTS, BALLWEG, POCAN, ZEPNICK and A. WILLIAMS. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

- 1 **AN ACT** *to repeal* 346.80 (2) (c); *to amend* 346.95 (1); and *to create* 346.94 (20)
2 of the statutes; **relating to:** passing parked motor vehicles and opening motor
3 vehicle doors on highways and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, any person operating a bicycle or electric personal assistive mobility device (EPAMD) upon a roadway must exercise due care when passing a parked vehicle or a vehicle proceeding in the same direction, allowing a minimum of three feet between the bicycle or EPAMD and the vehicle and giving an audible signal when passing a bicycle or EPAMD proceeding in the same direction. This bill eliminates this requirement.

This bill also prohibits any person from opening any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle. A person who violates this prohibition may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for any subsequent conviction within a year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4

~~SECTION 1 346.80 (2) (c) of the statutes is repealed.~~

INS. 5A2-1

SENATE BILL 29

SECTION 2. 346.94 (20) of the statutes is created to read:

INSERT SA3-1

346.94 (20) OPENING MOTOR VEHICLE DOOR ON HIGHWAY. No person may open any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle.

INSERT SA 3-2

SECTION 3. 346.95 (1) of the statutes is amended to read:

346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) ~~or, (15), or (20)~~ may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

543-3

(END)

INSERT 5A3-4



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0187/1
EVM:jld:md

SENATE AMENDMENT 2,
TO 2009 SENATE BILL 29

April 9, 2009 - Offered by Senator RISSER.

SA 2-1

At the locations indicated, amend the bill as follows:

1. Page 1, line 4: delete that line and substitute:

"SECTION 1m. 346.80 (2) (c) of the statutes is amended to read:

346.80 (2) (c) Any person operating a bicycle or electric personal assistive mobility device upon a roadway shall exercise due care when passing a standing or parked vehicle or a vehicle proceeding in the same direction, allowing and, when passing a standing or parked vehicle that is a school bus that is not displaying flashing red warning lights as provided in s. 346.48 (1) or a motor bus, shall allow a minimum of 3 feet between the bicycle or electric personal assistive mobility device and the vehicle, and shall give an audible signal when passing a bicycle or electric personal assistive mobility device rider proceeding in the same direction."

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0251/1
EVM:bjk:rs

**SENATE AMENDMENT 3,
TO 2009 SENATE BILL 29**

April 28, 2009 - Offered by Senator KEDZIE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 2: after "HIGHWAY." insert "(a)".

3 **2.** Page 2, line 5: after that line insert:

4 "(b) The operator of a motor vehicle located on a highway may not permit any
5 person under 16 years of age to open any door of the motor vehicle without the
6 operator first taking due precaution to ensure that opening the door will not interfere
7 with the movement of traffic or endanger any other person or vehicle."

8 **3.** Page 2, line 6: delete lines 6 to 10.

9 **4.** Page 2, line 10: after that line insert:

10 "SECTION 4m. 346.95 (10) of the statutes is created to read:

11 346.95 (10) (a) Any person who violates s. 346.94 (20) (b) and any person 16
12 years of age or older who violates s. 346.94 (20) (a) may be required to forfeit not less

SA 3-4

1 than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than
2 \$100 for the 2nd or subsequent conviction within a year.

3 (b) No forfeiture may be assessed for a violation of s. 346.94 (20) (a) if the
4 violator is less than 16 years of age when the offense occurs.”

5 (END)